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 ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**OAKLAND DIVISION**

SAFEWAY INC., *et al*,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

) Case No. C07-5470 (CW)

)  
 ) Related per November 19, 2007 Order to  
 ) Case No. C04-1511 (CW)

) **STIPULATION RE DEPOSITION OF**  
 ) **TRIAL WITNESSES NOT DEPOSED AND**  
 ) **EXPERT DEMONSTRATIVES**

(Caption continued on next page.)

STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT DEMONSTRATIVES  
 CASE NOS. C07-5470, C07-5702, C07-5985, C07-6012 (CW)

1  
2 SMITHKLINE BEECHAM CORPORATION )  
d/b/a GLAXOSMITHKLINE, )

3 Plaintiff, )

4 v. )

5 ABBOTT LABORATORIES, )

6 Defendant. )  
7 )  
8 )  
9 )

10 MEIJER, INC. & MEIJER DISTRIBUTION, )  
INC., *et al.*, )

11 Plaintiffs, )

12 v. )

13 ABBOTT LABORATORIES, )

14 Defendant. )  
15 )  
16 )  
17 )

18 RITE AID CORPORATION, *et al.*, )

19 Plaintiffs, )

20 v. )

21 ABBOTT LABORATORIES, )

22 Defendant. )  
23 )  
24 )  
25 )

Case No. C07-5702 (CW)  
(Consolidated Cases)

Related per November 19, 2007 Order to  
Case No. C04-1511 (CW)

Case No. C07-5985 (CW)  
(Consolidated Cases)

Related per November 30, 2007 Order to  
Case No. C04-1511 (CW)

Case No. 07-6120 (CW)

Related per December 5, 2007 Order to  
Case No. C04-1511 (CW)

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27  
28 STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT DEMONSTRATIVES  
CASE NOS. C07-5470, C07-5702, C07-5985, C07-6012 (CW)

CHI:2377699.3

WHEREAS, the parties are engaged in discovery in the consolidated cases of *Safeway, et al., v. Abbott Laboratories* (No. 07-5470), *Smithkline Beechem Corp. d/b/a Glaxosmithkline v. Abbott Laboratories* (No. 07-5702), *Meijer, Inc. & Meijer Distribution, Inc., et al. v. Abbott Laboratories* (No. 07-5985), and *Rite Aid Corp., et al., v. Abbott Laboratories* (No. 07-6120);

WHEREAS, the parties have cooperated with one another to narrow the scope of fact and expert discovery in these cases;

WHEREAS, during fact discovery, the parties identified those witnesses disclosed in discovery responses who are likely to be deposed at trial and focused deposition discovery on these witnesses to avoid taking unnecessary depositions; and

WHEREAS, during expert discovery, the parties agreed to reserve for a later date the exchange of expert demonstrative exhibits.

**IT IS HEREBY STIPULATED AND AGREED:**

1. If any party includes a witness on a trial witness list (due under the current schedule on January 25, 2011), who was not previously deposed in these cases, that witness will be made available for five hours of deposition testimony within one week of the disclosure (or some other date if agreed by all parties), even though the fact discovery cutoff has passed.

2. Demonstrative exhibits to be used with experts during trial shall be disclosed pursuant to the demonstrative exhibits deadline in Judge Wilken's standing orders (due under the current schedule on January 28, 2011), or by further written agreement of the parties. The parties reserve the right to challenge expert demonstrative exhibits on grounds unrelated to this stipulation – including the ground that the subject matter of a demonstrative exhibit was not adequately disclosed in the expert reports.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

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/s/ Stephanie S. McCallum

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**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Claudia Wilken  
United States District Court  
Northern District of California

Winston & Strawn LLP  
101 California Street  
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**GENERAL ORDER 45 ATTESTATION**

I, Stephanie S. McCallum, am the ECF User whose ID and password was used to file this STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT DEMONSTRATIVES. In compliance with General Order 45, X.B., I hereby attest that the above counsel, counsel for Plaintiffs, concurred in this filing.

Dated: March 22, 2010

/s/ Stephanie S. McCallum

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